

EXPRESS MAIL NO. EV335393297US

**TRANSMITTAL  
FORM**(To be used for all correspondence  
after initial filing)

Application Number	09/916,213
Filing Date	July 25, 2001
First Named Inventor	Brian Wells
Art Unit	1746
Examiner Name	Bruce F. Bell
Attorney Docket No.	130109.408

**ENCLOSURES (check all that apply)**

- ☒ Fee Transmittal Form  
☒ Fee Attached  
☐ Amendment/Response  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement; Form PTO-1449  
☐ Cited References  
☐ Certified Copy of Priority Document(s)  
☐ Response to Missing Parts under 37 C.F.R. 1.52 or 1.53  
☐ Response to Missing Parts/Incomplete Application

- ☐ Drawing(s)  
☐ Request for Corrected Filing Receipt  
☐ Licensing-related Papers  
☒ Petition (for Patent Term Adjustment)  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation, Change of Correspondence Address  
☐ Declaration  
☐ Statement under 37 CFR 3.73(b)  
☐ Terminal Disclaimer  
☐ Request for Refund

- ☐ CD(s), Number of CD(s) \_\_\_\_\_  
☐ After Allowance Communication to Technology Center (TC)  
☐ Appeal Communication to Board of Appeals and Interferences  
☐ Appeal Communication to TC (*Appeal Notice, Brief, Reply Brief*)  
☐ Proprietary Information  
☐ Status Letter  
☒ Return Receipt Postcard  
☒ Additional Enclosure(s) (*please identify below*):  
Copy of Determination of Patent Term Adjustment  
Copy of Date-Stamped Postcard for Response to Notice to File Missing Parts  
PTOL-85 (+ copy)

**Remarks****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual Name	Karl R. Hermanns	Customer Number <b>00500</b>
Signature		
Date	August 10, 2004	

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

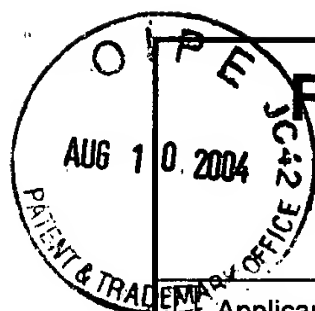
Typed or printed name

Signature

Date:

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT (\$)** **1839**

Complete if Known

Application Number **09/916,213**

Filing Date **July 25, 2001**

First Named Inventor **Brian Wells**

Examiner Name **Bruce F. Bell**

Art Unit **1746**

Attorney Docket No. **130109.408**

## METHOD OF PAYMENT

☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

☐ Deposit Account:

Deposit  
Account  
Number

**19-1090**

Deposit  
Account  
Name

**Seed Intellectual Property Law Group  
PLLC**

The Director is authorized to (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any deficiencies

to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims			
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1480	2254	740	Extension for reply within fourth month	
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1330	2453	665	Petition to revive - unintentional	
1501	1330	2501	665	Utility issue fee (or reissue)	1330
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) <u>Patent Soft Copies (3 @ \$3)</u>					9
<u>Application for Patent Term Adjustment (1.18(e))</u>					200
<u>Publication Fee</u>					300

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,839)

## SUBMITTED BY

Name  
(Print/Type)

**Karl R. Hermanns**

Registration No.  
Attorney/Agent)

**33,507**

Signature

*[Signature]*

Date

**August 10, 2004**

Customer Number

**00500**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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8-11-04

EXPRESS MAIL NO EV335393297US

PATENT

\$QAE  
Issue Fee  
IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Brian Wells et al.  
Application No. : 09/916,213  
Filed : July 25, 2001  
For : FUEL CELL RESUSCITATION METHOD AND APPARATUS

Examiner : Bruce F. Bell  
Art Unit : 1746  
Date of Notice Allowance : May 10, 2004  
Docket No. : 130109.408  
Date : August 10, 2004

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT

Commissioner for Patents:

Applicants hereby request reconsideration of the patent term noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) provided with the Notice of Allowance mailed May 10, 2004. A check including the amount of \$200 for this application is enclosed.

Statement of the Facts:

The Determination of Patent Adjustment under 35 U.S.C. 154(b) indicates that the Patent Term Adjustment for this application to date is 232 days. Applicants submit that the correct patent term adjustment for this application should be 329 days, calculated as follows:

- This application was filed on July 25, 2001.
- A Notice to File Missing Parts was mailed by the USPTO on September 4,

08/12/2004 SHASSEN2 00000058 09916213

04 FC:1455

200.00 OP

2001. Applicants timely mailed a Response to Notice to File Missing Parts on November 2, 2001. Applicants' Response was received by the USPTO on November 2, 2001 as evidenced by the date-stamped return postcard for the Response to Notice to File Missing Parts, a copy of which is submitted herewith. Despite Applicants' timely response to the Notice to File Missing Parts, the U.S. Patent Office has deducted 97 days of Patent Term.

- The initial action by the USPTO was an Office Action mailed August 20, 2003. Pursuant to 37 CFR 1.702(a), this initial action should have been issued by the USPTO within 14 months of the filing date of the application. As the application was filed on July 25, 2001, fourteen months would have been September 25, 2002. Therefore, pursuant to 37 CFR 1.703(a)(1), the initial action was 329 days late.

- Applicants filed a Response to this Office Action on November 20, 2003, within three months of the mailing date of the Office Action, namely, August 20, 2003. Accordingly, pursuant to 37 CFR 1.703(b), Applicants' response was timely filed.

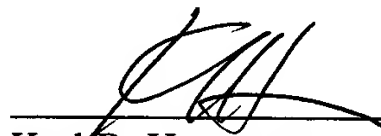
- The Notice of Allowance was mailed May 10, 2004.

In view of the foregoing, Applicants submit that the patent to be issued from the present application is entitled to a patent term adjustment of 329 days and respectfully request that such a patent term adjustment be granted. Applicants note that this application is not subject to a terminal disclaimer.

The Director is authorized to charge any additional fees due by way of this Application, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Karl R. Hermanns

Registration No. 33,507

KRH/lhk

Application No. 09/916,213

Application for PTA provided by Notice of Allowance mailed May 10, 2004

Enclosures:

Check including \$200.00 fee

Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154(b) as provided  
with Notice of Allowance

Copy of Date-Stamped Returned Postcard for the Response to Notice to File Missing  
Parts

701 Fifth Avenue, Suite 6300

Seattle, Washington 98104-7092

Phone: (206) 622-4900

Fax: (206) 682-6031

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# UNITED STATES PATENT AND TRADEMARK OFFICE

**EXPRESS MAIL NO.**  
**EV335393297US**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,213	07/25/2001	Brian Wells	130109.408	6853

00500 7590 05/10/2004

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 6300  
SEATTLE, WA 98104-7092



EXAMINER	
BELL, BRUCE F	
ART UNIT	PAPER NUMBER
1746	

DATE MAILED: 05/10/2004

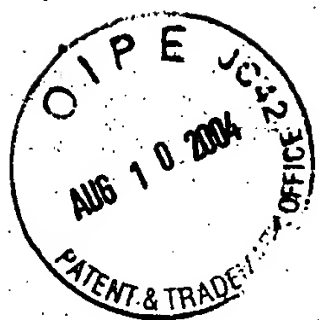
## **Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)** (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 232 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 232 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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EV335393297US**

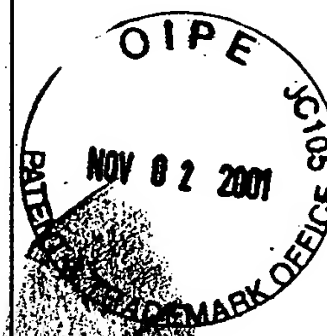
**EXPRESS MAIL NO. EL897856356US**

**130109.408**  
**FXA:lrj**

**Box Missing Parts**  
**Commissioner for Patents**  
**Washington, DC 20231**

**SENT: November 2, 2001**  
**DUE: November 4, 2001**

**Date Stamp**



Kindly acknowledge receipt of the below-listed documents by placing  
your receiving stamp hereon and mailing:

**Check; Form PTO/SB/21; Form PTO/SB/17 (+ copy); Application Data Sheet;  
Response to Notice to File Missing Parts; Declaration; Copy of Notice to File  
Missing Parts; Election and Power of Attorney; in re: Brian Wells et al. USAN  
09/916,213, filed July 25, 2001, for FUEL CELL RESUSCITATION METHOD  
AND APPARATUS.**

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**SEED INTELLECTUAL PROPERTY LAW GROUP PLLC**